

**DURHAM, NORTH CAROLINA
MONDAY, JUNE 15, 2020
7:00 P.M.**

The Durham City Council met in a regular session on the above date and time virtually via Zoom with the following members present: Mayor Steve Schewel, Mayor Pro Tempore Jillian Johnson and Council Members Javiera Caballero, DeDreana Freeman, Mark-Anthony Middleton and Charlie Reece. Absent: None.

Also Present: City Manager Tom Bonfield, City Attorney Kim Rehberg, City Clerk Diana Schreiber and Deputy City Clerk Ashley Wyatt.

Mayor Schewel called the meeting to order, welcomed everyone in attendance, and thanked all staff for their assistance with the virtual meeting.

Mayor Schewel recognized the deaths of 55 Durham residents and asked for a moment of silent meditation.

Council Member Reece led the Pledge of Allegiance.

[ANNOUNCEMENTS BY COUNCIL]

Council Member Reece advised that COVID-19 was far from over and that hospitalizations for the virus had been higher than ever. He asked that residents still abide by social distancing measures by wearing face masks while in public and to continue to keep at least a 6-foot distance between themselves and others.

Council Member Caballero recognized that it had been a historic day by the ruling of the Supreme Court for the LGBTQ community and commended parents that may have had a hard time discussing the topic with their children.

Council Member Freeman highlighted several resolutions on the agenda for Andrea Harris, Juneteenth, Reparations, and recognizing Racism as a Public Health Crisis.

[PRIORITY ITEMS]

City Manager Bonfield advised council of the following priority items:

- Item 12 had additional information included
- Item 50 was questioned as to whether to stay on GBA or move to consent
- Items 51 and 52 were supplemental items

City Attorney Rehberg and City Clerk Schreiber had no priority items.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES (ITEM 1/ PR #13998)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to approve City Council Minutes for the following meetings: April 6, 2020; April 9, 2020; April 20, 2020; April 23, 2020 and April 24, 2020 (Special Meeting), was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: CITIZENS ADVISORY COMMITTEE – APPOINTMENTS (ITEM 3/ PR #13983)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to appoint Rachel A. Eberhard and Carl Newman to the Citizens Advisory Committee with the terms to expire on June 30, 2023, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: DURHAM CITY-COUNTY ENVIRONMENTAL AFFAIRS BOARD – REAPPOINTMENT (ITEM 4/ PR #13995)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to reappoint Juilee N. Malavade to the Durham City-County Environmental Affairs Board representing Biological Sciences with the term to expire on June 30, 2023, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: DURHAM HOMELESS SERVICES ADVISORY COMMITTEE – REAPPOINTMENT (ITEM 5/ PR #13989)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to reappoint Christopher Toenes to the Durham Homeless Services Advisory Committee to represent the category of Non-Profit Organization with the term to expire on June 30, 2023, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: DURHAM OPEN SPACE & TRAILS COMMISSION – REAPPOINTMENTS (ITEM 6/ PR #13990)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to reappoint Derrick Beasley and Kamela Heyward-Rotimi to the Durham Open Space & Trails Commission representing At-Large with the terms to expire on June 30, 2023, was

approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: DURHAM PLANNING COMMISSION – REAPPOINTMENT (ITEM 7/ PR #13986)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to reappoint Carmen Williams to the Durham Planning Commission with the term to expire on June 30, 2023, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: DURHAM SPORTS COMMISSION – REAPPOINTMENT (ITEM 8/ PR #14000)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to reappoint Susan Scott to the Durham Sports Commission with the term to expire on June 30, 2023, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: HOUSING APPEALS BOARD – REAPPOINTMENT (ITEM 9/ PR # 13985)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to reappoint Kevin Davis to the Housing Appeals Board to represent the category of Realty with the term to expire on June 30, 2023, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: HUMAN RELATIONS COMMISSION – APPOINTMENTS (ITEM 10/ PR #13997)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to appoint Eric Chacon (Hispanic/Latino Male) and to reappoint John W. Rooks, Jr. (African American Male) and Nathan Plummer (Caucasian/Non-Hispanic Male) to the Human Relations Commission with the terms to expire on June 30, 2023, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: MAYOR'S COUNCIL FOR WOMEN – APPOINTMENTS (ITEM 11/ PR #13984)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to reappointment Gloria De Los Santos (representing Ward 3) and to appoint Cassandra Stokes (representing At-Large) to the Mayor's Council for Women with the terms to expire on June 30, 2024, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: RESOLUTION HONORING ANDREA HARRIS (ITEM 13/ PR #14025)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to adopt a Resolution honoring the life of Andrea Harris, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

RESOLUTION #10172

SUBJECT: FIRST AMENDMENT TO THE NORTH CAROLINA COALITION TO END HOMELESSNESS (NCCEH) CONTRACT TO PROVIDE SERVICES FOR HOMELESSNESS COORDINATED ENTRY AND HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS) PLANNING AND ADMINISTRATION (ITEM 15/ PR #14014)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, To authorize the City Manager to execute the First Amendment to the contract with the North Carolina Coalition to End Homelessness (NCCEH) to provide services for Homelessness Coordinated Entry and Homeless Management Information System (HMIS) Planning and Administration to streamline deliverables, extend the length of the contract to September 30, 2020 and to increase the contract value by \$20,000 to \$172,964 in Dedicated Housing Funds, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: OPERATIONAL ASSISTANCE CONTRACT WITH THE HOUSING AUTHORITY OF THE CITY OF DURHAM (DHA) FOR THE DHA DOWNTOWN & NEIGHBORHOOD PLAN (ITEM 16/ PR # 14004)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to authorize the City Manager to execute a two-year contract with the Housing Authority of the City of Durham (DHA) in an amount not to exceed \$1,975,000 utilizing Dedicated Housing Funds for operational costs associated with the implementation of the DHA Downtown & Neighborhood Plan, was approved at 7:14 p.m. by the following vote: Ayes:

Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: RELOCATION ASSISTANCE CONTRACT WITH THE HOUSING AUTHORITY OF THE CITY OF DURHAM (ITEM 17/ PR #14003)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to authorize the City Manager to execute a two-year contract with the Housing Authority of the City of Durham (DHA) in an amount not to exceed \$700,000 utilizing Dedicated Housing Funds to provide counseling and relocation services, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: TRANSFER OF OWNERSHIP OF 2017 LIGHT TRANSIT VEHICLES FROM THE CITY OF DURHAM TO THE TOWN OF CHAPEL HILL (ITEM 18/ PR #14008)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to adopt the resolution authorizing the transfer of ownership of light transit vehicles (LTVs) from the City of Durham to the Town of Chapel Hill, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

RESOLUTION #10173

SUBJECT: BROWN WATER TREATMENT PLANT - ELECTRIC SERVICE AGREEMENT BETWEEN DUKE ENERGY CAROLINAS, LLC AND CITY OF DURHAM (ITEM 19/ PR #13971)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to authorize the City Manager to execute Electric Service Agreement 4852-B between the City and Duke Energy Carolinas, LLC, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: WESTERN UNION PAYMENTS SERVICE AGREEMENT (ITEM 20/ PR #14020)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to authorize the City Manager to execute a service contract with Western Union to provide payment services for a cost not to exceed \$60,000 for a three-year term, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: INTERLOCAL COOPERATION AGREEMENT FOR THE COLLECTION OF TAXES BETWEEN COUNTY OF WAKE AND CITY OF DURHAM (ITEM 21/ PR #14021)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to authorize the City Manager to execute the Interlocal Cooperation Agreement for the Collection of Taxes between County of Wake and City of Durham, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: CITY OF DURHAM AND SOUTHEAST SUSTAINABLE COMMUNITIES PROGRAM GRANT AMENDED GRANT BUDGET ORDINANCE (ITEM 22/ PR #14009)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to adopt the City of Durham and Southeast Sustainable Communities Fund Grant Budget Ordinance Superseding Grant Budget Ordinance #15593, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

ORDINANCE #15625

SUBJECT: CONTRACT WITH GDS ASSOCIATES, INC. FOR THE DEVELOPMENT OF CARBON NEUTRALITY AND RENEWABLE ENERGY ACTION PLAN (ITEM 23/ PR #14007)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to authorize the City Manager to execute a contract with GDS Associates, Inc. to develop a carbon neutrality and renewable energy action plan in an amount not to exceed \$185,000;

To establish a contingency of \$10,000; and

To authorize the City Manager to execute amendments to the contract so long as the total contract cost does not exceed \$195,000, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: CONTRACT WITH REBUILDING TOGETHER OF THE TRIANGLE, INC. FOR THE SOUTHEAST SUSTAINABLE COMMUNITIES FUND GRANT PROJECT (ITEM 24/ PR #14012)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to authorize the City Manager to execute a contract with Rebuilding Together of the Triangle, Inc. to provide project support and the deliverables stipulated in the contract in an amount not to exceed \$80,000 in addition to \$40,000 in matching funds, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: DESIGN-BUILD SERVICES CONTRACT WITH ENVIRONMENTAL AIR SYSTEMS, LLC FOR THE DURHAM PERFORMING ARTS CENTER (ITEM 25/ PR #14013)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to adopt the resolution finding that the use of a Design-Build project delivery method for the Durham Performing Arts Center (DPAC) HVAC project is in the best interest of the City;

To authorize the City Manager to execute a design-build contract with Environmental Air Systems, LLC for preliminary design and preconstruction services for the DPAC HVAC project up to the amount of \$65,905;

To authorize the City Manager to negotiate and execute a design-build amendment for construction of the project so long as the total design-build contract cost does not exceed \$1,486,857; and

To establish a contingency fund for the contract in the amount of \$150,000, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

RESOLUTION #10174

SUBJECT: BROKER FOR BENEFITS (ITEM 27/ PR #14019)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to authorize the City Manager to execute a contract with Independent Benefit Advisors (IBA) in the amount of \$333,333 for a three-year contract period of July 1, 2020 through June 30, 2023, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: FISCAL YEAR 2020-2021 CONTRACT TO FUND ECONOMIC DEVELOPMENT PROGRAMS AND SERVICES OPERATED BY DOWNTOWN DURHAM, INC. USING CITY OF DURHAM GRANT FUNDS (ITEM 28/ PR #13964)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to authorize the City Manager to execute the Fiscal Year 2020-2021 contract with Downtown Durham, Inc. to operate economic development programs and services for the City in an amount not to exceed \$170,048, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: FISCAL YEAR 2020-2021 AMENDMENT TO CONTRACT FOR CITY SERVICES AND PROGRAMS FOR THE DOWNTOWN DURHAM MUNICIPAL SERVICE DISTRICT (ITEM 29/ PR #13965)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to authorize the City Manager to execute a contract amendment with Downtown Durham, Inc. to provide services within the Downtown Durham Municipal Service District in an amount not to exceed \$1,181,500 for Fiscal Year 2020-2021 subject to City Council budget authorization, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: CONTRACT AMENDMENT NO. 1 FOR ST-288A, BRIDGE ENGINEERING SERVICES FOR CITY-MAINTAINED STRUCTURES (ITEM 30/ PR 14001)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to authorize the City Manager to execute Contract Amendment No. 1 for ST-288A, Bridge Engineering Services for City-Maintained Structures with Gannett Fleming, Inc. in the amount of \$12,700 for a total revised contract amount not to exceed \$237,700, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: RESOLUTION TO SUPPORT THE UPPER NEUSE RIVER BASIN ASSOCIATION (UNRBA) FY2021 BUDGET (ITEM 31/ PR #13972)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to adopt the resolution supporting the Upper Neuse River Basin Association (UNRBA) FY2021 budget of \$1,152,850, with the City of Durham contributing \$259,322.81, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

RESOLUTION #10175

SUBJECT: CONTRACT WITH ATLAS ORGANICS, LLC FOR MANAGEMENT OF THE CITY-OWNED COMPOSTING FACILITIES (ITEM 32/ PR #14005)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to approve the proposed First Amended and Restated Contract with Atlas Organics, LLC for Management of the City-Owned Composting Facilities in an amount not to exceed \$4,000,000; and

To authorize the City Manager to execute the proposed contract, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: CONTRACT WITH ECOFLO, INC. FOR THE OPERATION OF THE HOUSEHOLD HAZARDOUS WASTE FACILITY (ITEM 33/ PR #14010)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to authorize the City Manager to execute a contract with ECOFLO, Inc. for operation of the Household Hazardous Waste Facility in an amount not to exceed \$2,073,000, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: FY19-20 DOWNTOWN DURHAM MUNICIPAL SERVICE DISTRICT PRESENTATION AND ANNUAL REPORT (ITEM 36/ PR #14022)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Freeman, to receive a presentation regarding the Downtown Durham Municipal Service District pursuant to North Carolina G.S. 160A-536; and

To receive the FY2019-2020 annual report regarding the Downtown Durham Municipal Service District pursuant to North Carolina G.S. 160A-536, was approved at 7:14 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

[ITEMS PULLED FROM THE AGENDA]

SUBJECT: RULES AND PROCEDURES FOR THE AFFORDABLE HOUSING BONUS (ITEM 14/ PR #13991)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Caballero, to adopt Rules and Procedures for the Affordable Housing Bonus described in Section 6.6 of the Unified Development Ordinance, was approved at 7:17 p.m. by the following vote:

Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

Mimi Kessler spoke in support of the item and suggested that changes on agenda attachments be made visible to the public.

SUBJECT: RESTRICTIVE COVENANTS FOR 505 W. CHAPEL HILL STREET (ITEM 26/ PR #14006)

MOTION by Council Member Freeman, seconded by Mayor Pro Tempore Johnson, to declare restrictive covenants applicable to property located at 505 W. Chapel Hill Street, Parcel ID 114577; and

To authorize the City Manager to execute and record any necessary documents for the declaration and to make any changes to the documents consistent with the intent of the City, was approved at 7:21 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

Council Member Freeman asked how monitoring on the business end would happen.

Stacy Poston of General Services, advised that the Community Development Department would do annual visits as well as monitoring by the state.

Council Member Freeman stated that the community still had concerns and that the company needed to put out as much information as possible and how it applied to the end goal.

SUBJECT: PROPOSED WATER AND SEWER RATES FOR FY 2020-2021 (ITEM 50/ PR #14035)

Don Greely, Director of Water Management was available for questions.

Council Member Freeman noted that she would not be voting in support of the item.

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Caballero, to adopt an ordinance to change rates for water and sewer service, Section 1, Part 15-104 of the City's fee schedule, effective July 1, 2020, was approved at 7:23 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Middleton and Reece. Noes: Council Member Freeman. Absent: None.

ORDINANCE #15673

[GENERAL BUSINESS AGENDA]

SUBJECT: FISCAL YEAR 2020-21 BUDGET AND FY 2021-26 CAPITAL IMPROVEMENT PLAN (CIP) (ITEM 12/ PR #14002)

Bertha Johnson, Director of Budget and Management Services introduced the item.

Proponents: Dick Ford, Herman Sperling, Sheila Huggins, Robert Gutman, and Wendell Bullard spoke in support of the item and advocated for additional officer training as opposed to defunding, and thanked Chief Davis for her leadership of the Police Department.

Opponents: Beth Clifford, Mark Spear, Donald Hughes, Susan Novlet, Madeline Miller, Michelle Metzler, Paige Polk, Andrew Wyncoup, Sheila Amir, Jamilah Johnson, Rachel Katz. Katelin Strauss, Dustin Brit, Sarah Austin, Charlene Ye, Hailey Garvis, Eeyi Oon, Grayson Harvey, Steph Hopkins, Tamara Chukrun, Danielle Purifoy, Brian Vannah, Sol Peterson, Sarah Mye, Kenton Yates, Heather Jackson, Magana Grry, and Mab Seagrest spoke in opposition of the item and suggested that the Council defund the police, use the police funds to give all city employees pay increases and provide part time city staff with a livable wage, and reallocate police funds to teachers and to McDougald Terrace. They also stated that police don't deescalate situations and that the city needed to identify root causes and work on law enforcement alternatives.

Mayor Schewel read the following statement:

"Durham City Council Statement on Community Health and Safety"

Over the past 10 days, we have received over 4,000 emails calling on us to radically reimagine community safety in Durham. This outpouring of community concern is part of the larger movement against police brutality that has sparked national and international protests. The murder of George Floyd in Minneapolis, MN was the most public and recent example of a long history of brutality and racism in police departments in the United States. This must stop. We share the outrage of the people who have written us and the people who have taken their outrage to Durham's streets, and we are committed to doing our part.

The movement to transform policing may be new to some communities but it's not new to Durham. In recent years, community advocates have worked with elected officials to implement numerous reforms to our police department, including requiring written consent for vehicle searches, expanded misdemeanor diversion, expanded access to U-visas, deprioritizing misdemeanor marijuana arrests, and expanding crisis intervention, racial equity and de-escalation training.

Under the stellar leadership of Durham Police Chief CJ Davis — and in response to significant community demand— we’ve dramatically changed how our police respond to public demonstrations. We want to commend Chief Davis and her staff for the superb work they’ve done over the last two weeks during the many demonstrations that have been held in Durham to stand against police brutality. Their non-confrontational approach has been an example to the nation. We also want to thank the many organizers who helped create this new kind of response to demonstrators in Durham. And we want to thank the demonstrators themselves who have spoken forcefully against the systemic racism that plagues our community and our nation. We stand with you.

For the last year, our city council has been actively working with community members to develop a plan to create community safety institutions that don’t involve police. We anticipate that these new institutions will be able to prevent violence, peacefully intervene and stop ongoing violence, and be able to take on work that is currently performed by police, including responding to crisis calls. After a robust conversation last year about whether to expand the Durham Police Department, we approved the creation of a Community Safety and Wellness Task Force. This task force will explore, research, and recommend initiatives to the council that will make our community safer. We are all committed to seeing this work move forward and to increasing investments in community safety. In this watershed moment for public safety transformation in this country, we find it necessary to take concrete and immediate action toward achieving these goals. Our police budget this year includes no new positions and no new programs or initiatives. We are also making the following commitments tonight to this critical work.

1. We are earmarking an initial investment of \$1M of funding for community safety. A small portion of this funding may be used to support work by the task force and city staff, but the great bulk of this funding will go to the implementation of task force recommendations. This is an initial investment, and we fully anticipate the need for additional and ongoing funding to ensure the success of this work.
2. We will continue to urge the County and school district to join the community safety task force that the City Council has already proposed and approved. Mental health, public health and social services are primarily functions of County government, and the school board oversees our public schools. We want them at the table. This joint task force is the best way to bring our community together around a shared set of concrete proposals for re-imagining public safety in Durham. But if we are unable to secure the participation of the County and the school district by the end of August of this year, we will move the task force forward as a city-only body.
3. We will direct our city manager to begin an evaluation of the police department operations and an audit of our 911 calls in order to identify areas of responsibility currently assigned to the police department that could be reassigned to other existing or new departments in City and/or County government. These areas of responsibility could

potentially include responding to mental health crises and assisting with minor traffic incidents, among others.

4. We join Mayor Schewel's pledge to review and reform our city's use of force policies within the next 90 days, and we are appreciative of Chief Davis' and City Manager Bonfield's commitment to this as well. We also commit to ensuring that the Durham Police Department adopt and adhere to best practices in all use of force policies and practices.

We believe that the City of Durham should be safe for all people, and we are ready to work with our community to achieve that vision."

Mayor Schewel clarified some statements made during public comments by stating the following: Part Time City Staff made a livable wage at \$15.46 an hr; the Police Department received %14 of the budget, the police department was not getting pay increases or additional positions, and that their operating budget was only going up by \$1.2 Million Dollars for state mandated pension contributions, and required wage increase for their annual anniversary.

Council Member Middleton thanked Mayor Schewel and Mayor Pro Tempore Johnson for crafting the statement; however, he advised that he wanted to be more included in that process since he could have provided a different depth of experience as a black man. He stated that the budget needed to be looked at culturally; police should have mental health teams; the police budget should be spent on limiting interactions with the police; that root causes needed to be addressed; and that he did not believe the statement should not have taken aim at the County or School District.

Council Member Freeman stated that the statement did not speak to her in a way to move her and that she believed that 1 million dollars was a low amount to start with.

Council Member Reece stated that the 1 million dollars would just be the earmarked amount, that he understood the total would end up being more, and that he was eager to get started and did not interpret the statement as taking aim at the County or School District.

Mayor Schewel advised that he was not tied to the statement itself, but was tied to the four actions.

Mayor Pro Tempore Johnson echoed the sentiments of Mayor Schewel, but stated that she was opened to alternative language and the 4 commitments were what mattered most.

Council Member Caballero asked Council Member Freeman and Middleton what they needed in order to move forward.

Council Member Middleton stated that 1 million dollars was too low and that 2 million was the minimum in his opinion.

Council Member Freeman also stated that 1 million dollars was too low and that the community needed to come first.

Council Member Middleton asked if the statement and budget had to be voted on together or separately.

Mayor Schewel advised that it would be a separate vote for each item and that the Durham County Commissioners planned to take up the Community Taskforce item at their June 26, 2020 meeting.

Council Member Reece stated that a lot of residents' concerns could have been addressed by the Community Taskforce.

Council Member Freeman stated that City staff were not the appropriate people to conduct review of the Police Department.

Council Member Reece asked if there was an amendment to the budget being proposed.

Council Member Middleton stated that he wanted to amend the statement.

Mayor Pro Tempore Johnson reaffirmed that the 4 commitments at the end of the statement were the most important and that \$200 thousand dollars would be available for the taskforce and funds for proposals by the taskforce.

Council Member Caballero stated that she believed in defunding the police and that action needed to be taken. She recommended moving forward with what was presented to eventually end up with less police.

Council Member Middleton anticipated that the vote would not have been unanimous and questioned why \$2 million dollars could not be funded instead of just \$1 million dollars.

Council Member Freeman expressed concerns that the Racial Equity Taskforce had not been mentioned in the conversation and that Mayor Pro Tempore Johnson appeared to have more influence on the item. She also stated that racism had to be addressed.

MOTION by Council Member Reece, seconded by Mayor Pro Tempore Johnson, to support the 4 specific points at the end of the statement, was approved at 9:56 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero and Reece. Noes: Council Members Freeman and Middleton. Absent: None.

Mayor Pro Tempore Johnson stated that the budget was not ideal for everyone. Council Member Middleton stated that the reality of population growth in the city could not be controlled and that governance was hard and required hard decisions. He also stated that he would support the budget, as it would get the city where it needed to be.

Council Member Recce stated that the current budget cycle had been the hardest by far. He recognized that community safety and pay increases were hot issues and that he would be voting in support of the budget.

Council Member Caballero stated that she would be voting in support of the budget and that community safety looked different to different people.

Council Member Freeman stated that she was unsure if she would be supporting the budget and spoke to the greater issues of systemic racism; white supremacy; the Heroes Act; concerns from community members; micro aggression; and thanked Mayor Pro Tempore Johnson for her work around Racial Equity.

Fiscal Year 2020-21 City of Durham Budget Matters:

- A. To adopt the City of Durham Budget Ordinance for Fiscal Year 2020-21.
- B. To adopt the resolution establishing Financial Plans for Internal Service Funds for Fiscal Year 2020-21.
- C. Capital Project Ordinances
 - 1. To adopt the City of Durham General Capital Improvements Project Ordinance Fiscal Year 2020-21.
 - 2. To adopt the City of Durham Water and Wastewater Capital Improvements Project Ordinance Fiscal Year 2020-21.
 - 3. To adopt the City of Durham Stormwater Capital Improvements Project Ordinance Fiscal Year 2020-21.
 - 4. To adopt the City of Durham Solid Waste Capital Improvements Project Ordinance Fiscal Year 2020-21.
 - 5. To adopt the City of Durham Parking Capital Improvements Project Ordinance Fiscal Year 2020-21.

6. To adopt the City of Durham Transit Fund Capital Improvements Project Ordinance Fiscal Year 2020-21.

7. To adopt the City of Durham Durham Performing Arts Center Capital Improvements Project Ordinance Fiscal Year 2020-21.

D. Fees

1. To adopt an Ordinance Revising Public Work Fees.

2. To adopt an Ordinance Revising City-County Planning Fees.

3. To adopt an Ordinance Revising GoDurham Fixed Route and Paratransit Fees.

E. Grant Project Ordinances

1. The United States Marshalls Service, 2021 Fugitive Apprehension Task Force Agreement Project Ordinance.

2. The State of North Carolina, Department of Justice, Department of Revenue, FY 2020/21 Controlled Substance Abuse Grant Funds Grant Project Ordinance.

3. 2020 Federal Task Team Initiatives Grant Project Ordinance.

4. The U.S. Department of Justice, U.S. Marshall's Office, FY2020/21 Federal Asset Forfeiture Funds Grant Project Ordinance.

5. The Executive Office of the President, Office of National Drug Control Policy, 2020 High Intensity Drug Trafficking Areas (HIDTA) Grant Project Ordinance.

6. The U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance 2020 Coronavirus Emergency Supplemental Funding (CESF) Grant Project Ordinance.

7. 2020 Police Athletics Leagues (PALS) Mentoring Initiative Grant Project Ordinance.

8. FY2019-20 City of Durham and Keenan Charitable Trust COVID-19 Relief Grant Budget Ordinance.

9. City of Durham Business Services Work-Based Learning 2019-2020 Grant Project Ordinance July 1, 2019-June 30, 2020.

10. City of Durham Telework 2019-2020 Grant Project Ordinance July 2019-June 30, 2020.

11. City of Durham Community Waste Reduction and Recycling Grant Project Ordinance Superseding Grant Project Ordinance #1557 July 1, 2019-June 30, 2020.
12. National League of Cities Addressing Fines and Fees Equitably Grant Budget Ordinance June 1, 2019-August 30, 2021.
13. NC Department of Transportation East Club Boulevard Sidewalk Project Grant Project Ordinance.
14. Federal Highway Administration Funding from the NC Department of Transportation for the Purpose of Constructing Sidewalks Along Raynor Street Grant Project Ordinance Superseding Grant Project Ordinance #15536, and Authorization to Execute Grant Agreement.
15. FY 2021 FTA Section 5303 Metropolitan Transit Planning Grant Project Ordinance and Authorization to Execute Grant Agreement.
16. FY 2021 Durham and Orange County Transit Plans - Staff Working Group Administrator Grant - Grant Project Ordinance.
17. City of Durham and North Carolina Department of Transportation Section 104(F) and Section 133(B)(3)(7) Transportation Planning Grant Project Ordinance - FY 2021 and Authorization to Execute Grant Agreement.
18. FY 2014-15 Transit Planning and Capital Grant Project Ordinance Supersedes Grant Project Ordinance #15073 and Authorization to Execute Grant Agreement.
19. FY 2018-19 Transit Planning and Capital Grant Project Ordinance Supersedes Grant Project Ordinance #15472 and Authorization to Execute Grant Agreement.
20. FY 2019-20 CARES Act Grant Project Ordinance and Authorization to Execute Grant Agreement.
21. FY 2019-20 Transit Planning and Capital Grant Project Ordinance Supersedes Grant Project Ordinance #15506 and Authorization to Execute Grant Agreement.
22. FY 2020-21 Transit Planning and Capital Grant Project Ordinance and Authorization to Execute Grant Agreement.
23. FFY-2019 & FFY-2020 FTA Section 5339 Bus and Bus Facilities Grant Project Ordinance (GPO) and Authorization to Execute Grant Agreement.
24. FY2021 City of Durham and Triangle J Council of Governments - Transportation Demand Management (TDM) Program Grant Authorization to Execute Grant Agreement.

25. FY 2020-21 City of Durham and Federal Transit Administration Section 5307 (STBG-DA) Grant and Authorization to Execute Grant Agreement.

26. FY2020-21 City of Durham and State Apprentice Program Grant - General Fund and Authorization to Execute Grant Agreement.

27. FY2020-21 City of Durham and State Apprentice Program Grant- Transit Fund and Authorization to Execute Grant Agreement.

28. FY2020-21 City of Durham and State Technology Grant and Authorization to Execute Grant Agreement.

29. FY2020-21 City of Durham and North Carolina VW Settlement Program.

MOTION by Council Member Reece, seconded by Mayor Pro Tempore Johnson, to adopt the Fiscal Year 2020-21 Budget and FY 2021-26 Capital Improvement Plan (CIP) Ordinances and Other Related Ordinances, was approved at 10:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

ORDINANCES #15626, #15627, #15628, #15629, #15630, #15631, #15632, #15633, #15634, #15635, #15636, #15637, #15638, #15639, #15640, #15641, #15642, #15643, #15644, #15645, #15646, #15647, #15648, #15649, #15650, #15651, #15652, #15653, #15654, #15655, #15656, #15657, #15658, #15659, #15660, #15661, #15662, #15663, #15664, & #15665

RESOLUTION #10176

GENERAL BUSINESS AGENDA - PUBLIC HEARINGS

SUBJECT: CONSOLIDATED LAND USE ITEM - NCCU STUDENT CENTER BUILDING (ITEM 37/ PR #13817)

Jamie Sunyak, Senior Planner, stated for the record that the Planning Department hearing item had been advertised and noticed in accordance with state and local law, and affidavits of all notices were on file in the Planning Department and provided the following staff report:

A request for a zoning map change had been received from Jay Smith, of O'Brien Atkins. The site was 1.28 acres, on the north side of Cecil Street. This was part of the North Carolina Central University 2017 Campus Plan. The rezoning request proposed a change from Residential Urban-5(2) to University and College-2 (UC-2) which was consistent with the plans for a future student center. The properties were currently designated Medium Density Residential on the Future Land Use Map (FLUM). The applicant had requested a FLUM amendment (A1900014) to Institutional which would be consistent with the rezoning request. On August 5, 2019, the City Council approved a major special use permit (M1900001) and major site plan (D1800303) to construct a 2.5-story student center totaling

105,000 square feet. The nine parcels included as part of the request made up a portion of the development site. That gave the applicant the flexibility going forward to avoid going forward through a use permit, but rather through the site plan process.

Commitments had been included to construct a bus pull-out and a concrete pad and shelter along the east side of Fayetteville Street adjacent to the site. Graphic commitments include the building and parking envelope, site access points and the 75 foot transitional use area. The Durham Planning Commission, at their January 14, 2020 meeting, unanimously recommended approval of the proposed. Staff determined that the request was consistent with the *Comprehensive Plan*, including the Future Land Use Map and other adopted ordinances and plans. Three motions were required for the application. The first was to adopt a resolution amending the Future Land Use Map, the second was to adopt a consistency statement and the third was for the zoning ordinance.

Mayor Schewel opened the public hearing and asked if there were any speakers to the item.

The development team for the project made themselves available for any questions.

Seeing no speakers, Mayor Schewel declared the Public Hearing closed.

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to adopt a resolution amending the Future Land Use Map to Institutional for the site, was approved at 10:41 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1900035 – NCCU Student Center Building

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change Z1900035, NCCU Student Center Building is based upon review of, and consistency with, the Durham Comprehensive Plan and any other officially adopted plan that is applicable, as provided in the "Consistency with

Adopted Plans” and “Reasonable and in the Public Interest” sections of the staff report and in Attachment 6, “Comprehensive Plan Consistency Analysis,” dated June 15, 2020, regarding the subject “NCCU Student Center Building” (Z1900035), along with additional agenda information provided to the City Council and information provided at the public hearing; and

It is the objective of the Durham City Council to have the Unified Development Ordinance promote regulatory efficiency and consistency, and the health, safety, and general welfare of the community. This zoning item promotes this objective by offering fair and reasonable development regulations supported by the “Consistency with Adopted Plans” and “Reasonable and in the Public Interest” sections of the staff report and Attachment 6, “Comprehensive Plan Consistency Analysis,” dated June 15, 2020, regarding the subject “NCCU Student Center Building” (Z1900035), along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the request is reasonable and in the public interest.

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Caballero, to adopt a Consistency Statement as required by NCGS 160A-383, was approved at 10:42 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

RESOLUTION #10177

MOTION by Council Member Reece, seconded by Mayor Pro Tempore Johnson, to adopt an Ordinance Amending the Durham Unified Development Ordinance By Taking Property out of the Residential Urban-5(Duplex) (RU-5(2)) Zoning District and Establishing the same as the University and College-2 (UC-2) Zoning District, was approved at 10:42 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

ORDINANCE #15666

SUBJECT: 505 W. CHAPEL HILL STREET (ITEM 38/ PR #13875)

Emily Struthers, Senior Planner, stated for the record that all Planning Department hearing items had been advertised and noticed in accordance with state and local law, and affidavits of all notices are on file in the Planning Department and provided the following staff report:

A request for a zoning map change has been received from Zac Vuncannon, of the Fallon Company and Katie Hamilton with Stewart. The site is 4.103 acres located at 505 West Chapel Hill Street, the site of the former Police Department Headquarters. This is the same site where restrictive covenants for affordable housing were approved earlier this evening.

The rezoning request proposes a change from Downtown Design District Support 1 to Downtown Design District Core with a development plan. This development plan is intended to ensure, in conjunction with the forthcoming development agreement between

the City and the developer, that the design presented through the 505 West Chapel Hill Street re-development selection process can be realized in terms of maximum building height, preservation and renovation of the existing building, and provided outdoor open spaces.

Commitments have been included to retain the existing building and provide outdoor spaces with pedestrian connections. Other key commitments include a minimum of 280 residential units and between two hundred and fifty thousand (250,000) and four hundred and fifty thousand (450,000) square feet of commercial and/or office space. Design commitments identify that the tallest buildings will be adjacent existing DD-C zoning and shorter buildings will be located on the western portion of the site adjacent to DD-S1 zoning. Additional commitments are identified in the staff report and on the Development Plan. The Durham Planning Commission, at their March 10, 2020 meeting, unanimously recommended approval of the proposed Downtown Design District Core with a development plan zoning. Staff determined that the request was consistent with the *Comprehensive Plan*, including the Future Land Use Map and other adopted ordinances and plans. Two motions were required for the application. The first was to adopt a consistency statement and the second was for the zoning ordinance.

Mayor Schewel opened the public hearing and asked if there were any speakers to the item.

Stella McAdams, a resident of Durham asked how the funds would be dispersed, how many total units there would be, as well as how many minority owned businesses there would be.

Stacy Poston responded and advised that the restrictive covenants would run concurrent with the land and would have on site visits by Community Development. She also stated that documents would be presented to council in the fall that would outline UBE participation.

Mayor Schewel asked if the developer had already made previous commitments regarding minority owned businesses.

Ms. Poston advised that while certain commitments had been made previously; that the city would see different parts of those commitments at different times.

Reverend Heather Rodriguez thanked council for implementing the restrictive covenant as a means to create Affordable Housing.

Council Member Freeman appreciated the comments of Reverend Rodriguez and noted that she wanted to hold the developers accountable as well.

Ms. Poston stated that council would have more information by the fall regarding minority participation and ownership.

See no additional speakers, Mayor Schewel declared the public hearing closed.

UNIFIED DEVELOPMENT ORDINANCE

ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z2000006 – 505 W Chapel Hill Street

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, was required to approve a statement describing how the action was consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, was required to provide a brief statement indicating how the action was reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change Z2000006, 505 W Chapel Hill Street was based upon review of, and consistency with, the Durham Comprehensive Plan and any other officially adopted plan that was applicable, as provided in the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report and Attachment 6, 'Comprehensive Plan Consistency Analysis'; dated June, 15 2020, regarding the subject '505 W Chapel Hill Street' (Z2000006) along with additional agenda information provided to the City Council and information provided at the public hearing; and it is the objective of the Durham City Council to have the Unified Development Ordinance promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning map change promoted this by offering fair and reasonable development regulations. Therefore, the request was reasonable and in the public interest.

MOTION by Council Member Reece, seconded by Mayor Pro Tempore Johnson, to adopt a consistency statement as required by NCGS 160A-383, was approved at 10:55 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

MOTION by Council Member Reece, seconded by Council Member Caballero, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Downtown Design District - Support 1 (DD-S1) and establishing the same as the Downtown Design District - Core with a development plan (DD-C(D)), was approved at 10:56 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

ORDINANCE #15667

SUBJECT: UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT, OMNIBUS CHANGES 14 (TC1900006) (ITEM 39/ PR #13979)

Michael Stock, Senior Planner, stated for the record that all Planning Department hearing items had been advertised and noticed in accordance with state and local law, and affidavits of all notices are on file in the Planning Department and provided the following staff report:

TC1900006 includes technical revisions and minor policy changes to various provisions of the Unified Development Ordinance (UDO). The amendments were identified as necessary corrections, clarifications, re-organization, or other minor changes to clarify the intent of the regulations or codify interpretations of regulations, or reflect minor policy changes, some of which are not solely technical in nature. Additionally, amendments are proposed to comply with state legislation.

The JCCPC reviewed a draft at its February 2020 meeting, and the Planning Commission heard the item at its March 10, 2020 meeting, recommended approval 12-0.

A few noteworthy items include:

- Revised procedures for future land use amendments associated with rezoning cases,
- Increased allowances for reduced required parking,
- Increased notification requirements for initial zonings associated with annexations,
- Allowance of limited expansion for places of worship after receiving a special use permit,
- Allowing limited expansion of legally-established uses that would otherwise require a special use permit, consistent with allowances with earlier ordinances.

As a reminder, council is asked to take two actions, first on the statement of consistency, and the second on the ordinance itself.

Mayor Schewel opened the public hearing and asked for any speakers to the item.

Council Member Reece asked if concerns brought up by Planning Commissioner Miller had be addressed.

Mr. Stock advised that the concerns that Planning Commissioner Miller brought up at the hearing had been addressed.

Seeing no additional speakers Mayor Schewel declared the public hearing closed.

UNIFIED DEVELOPMENT ORDINANCE
TEXT AMENDMENT CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL REGARDING
TC1900006, Omnibus Changes 14

WHEREAS the Durham City Council, upon acting on a text amendment to the Unified Development Ordinance and pursuant to NCGS § 160A-383, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting on a text amendment to the Unified Development Ordinance and pursuant to NCGS § 160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding text amendment TC1900006, Omnibus Changes 14, is based upon review of, and consistency with, the Durham Comprehensive Plan, as provided in the “Issues” and “Consistency with the Comprehensive Plan; Reasonable and in the Public Interest” sections of the memo to the City Manager, dated June 15, 2020, regarding the subject “Unified Development Ordinance Text Amendment Omnibus Changes 14 (TC1900006),” along with additional agenda information provided to the City Council and information provided at the public hearing; and

It is the objective of the Durham City Council to have the Unified Development Ordinance promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The text amendment promotes this by offering fair and reasonable regulations for the citizens and business community of the City of Durham as supported in the “Issues” and “Consistency with the Comprehensive Plan; Reasonable and in the Public Interest” sections of the memo to the City Manager, dated June 15, 2020, regarding the subject “Unified Development Ordinance Text Amendment, Omnibus Changes 14 (TC1900006),” along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the amendment is reasonable and in the public interest.

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to adopt the appropriate consistency statement as required per NCGS 160A-383, was approved at 11:03 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 1, General; Article 2, Review Authority; Article 3, Applications and Permits; Article 4, Zoning Districts; Article 5, Use Regulations; Article 6, District Intensity Standards; Article 7, Design Standards; Article 8, Environmental Protection; Article 9, Landscaping and Buffering; Article 10, Parking and Loading; Article 12, Infrastructure and Public Improvements; Article 14, Nonconformities; Article 15, Enforcement; Article 16, Design Districts, and Article 17, Definitions, was approved at 11:03 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

ORDINANCE #15668

SUBJECT: HISTORIC PROPERTIES LOCAL REVIEW CRITERIA UPDATE (ITEM 40/ PR #14011)

Karla Rosenberg, Senior Planner with the Planning Department, presented an update to the Historic Properties Local Review Criteria. The Criteria document was originally created in 2015 and served as the basis for review of all Certificates of Appropriateness approved by Planning staff in the case of Minor COAs and adjudicated by the Historic Preservation Commission in the case of Major COAs. The Criteria update had been under review and editing for two years and had undergone several rounds of input from both the Historic Preservation Commission and the Joint City-County Planning Commission in their public meetings.

New Criteria were produced in 2015, they improved organization and provided clarifications where needed. Substantive changes were minor in most cases and had mainly codified precedents set by the Commission during case reviews or allowed more flexibility in certain areas. Where previously new construction on contributing residential properties or on landmark properties downtown would have followed the stricter contributing or landmark sections of the Criteria, they would follow the less stringent noncontributing sections. Where railings were previously prohibited if not historically present, they would have been allowed, which helped residents with physical limitations and helped satisfy home insurance requirements. The area that received the most attention was treatment of solar panels, which would require a lower level of review (Minor COA, or no COA) in most cases, and would allow street-facing solar panels that met a basic visual standard. Tree removal was facilitated in cases where they may blocked solar input to installed devices.

Mayor Schewel opened the public hearing and asked if there were any speakers to the item.

Council Member Reece asked for more information in regards to the tree removal process.

Ms. Rosenberg stated that some trees blocked solar panels and that currently one tree was able to be removed for the installation of solar panels, but there was a recommended requirement to replace any tree removed in another location.

Donald Addu, a member of the Environmental Affairs Board stated that his only issue with the item was the tree removal portion and stated that the act of removing trees was counterintuitive since trees reduced energy costs.

Mimi Kessler of 1418 Woodlawn Drive, spoke in opposition of the item and affirmed that getting rid of trees would have adverse effects.

Ellen Pless, a resident of Durham spoke in opposition of the item and asked council to vote against it.

Pat Young, Director of Planning, advised that the item had gone before the planning commission.

Mayor Schewel asked if conversations were had with environmental groups and solar advocates and suggested to keep the public hearing open until such conversations were had.

Council Member Reece agreed with Mayor Schewel and further suggested that if the public hearing had been kept open then the item should go before the Environmental Affairs Board for a recommendation.

Mayor Schewel suggested that council take up the item in two parts, which included voting on the new criteria without the tree removal provision and then vote on that part separately after a recommendation had been received from Environmental Affairs Board.

Seeing no additional speakers, Mayor Schewel declared the public hearing closed.

MOTION by Council Member Reece, seconded by Council Member Caballero, to approve the revised Historic Properties Local Review Criteria, minus the tree removal section, as amended, was approved at 11:36 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: APPROVAL OF THE DRAFT 2020-2025 CONSOLIDATED PLAN/2020-2021 ANNUAL ACTION PLAN (ITEM 47/ PR #13994)

Wilmur Conyers, Planning and Performance Coordinator for the Community Development Department stated for the record that the public hearing had been advertised and presented the following staff report:

The purpose of the Public Hearing was to receive citizen comments on the Draft 2020-2025 Consolidated Plan, 2020-2021 Annual Action Plan, and Draft Amended Citizen Participation Plan. The Consolidated Plan/Annual Action Plan specifies how the City of Durham would address housing and community development needs for the next five years through the use of Community Development Block Grant (CDBG) funds, HOME Investment Partnership Program (HOME) Consortium funds, Emergency Solution Grant (ESG) funds, and Housing Opportunities for Persons With AIDS (HOPWA) funds. For FY 2020-2021, the City expects to receive \$2,044,310 in CDBG, 1,165,206 in HOME Consortium funds, \$174,691 in ESG funds, and \$483,344 in HOPWA funds from the U.S Department of Housing and Urban Development (HUD). The Citizen Participation provided a description of the public engagement process that would be followed to ensure that citizens were given reasonable opportunity to comment concerning the use of HUD grant funds. The 30-day public review period for the subject documents began on May 22, 2020 and would end on June 22, 2020.

Notice of the meeting was properly advertised in the Herald Sun, and Que Pasa newspapers, posted on the Department's website, and also disseminated via a general list serve to interested citizens and stakeholders. As a recipient of CDBG, HOME, ESG, and HOPWA funds, the City was required to hold at least two public meetings prior to the submission of the Five-Year Consolidated Plan/ Annual Action Plan. The first public hearing on Community Needs was held on November 18, 2019. A summary of comments from both public hearings and other written comments received would be included in the final Consolidated Plan/Annual Action Plan.

Due to challenges caused by the malware attack and COVID-19, the 2nd public hearing could not move forward as originally planned during the month of April. The public hearing was the final opportunity to approve the Plans for submission to HUD by the required deadline of July 15. Failure to submit the Plans by the deadline would have jeopardized the receipt of grant funds. After the public hearing has closed, City Council was asked to vote to approve the Draft 2020-2025 Consolidated Plan, 2020-2021 Annual Action Plan, and Draft Amended Citizen Participation Plan for submission to HUD.

Mayor Schewel opened the public hearing and asked for any speakers to the item.

Stella McAdams, a resident of Durham asked clarifying questions regarding the funds referenced in the item.

Michelle Meltzer, a resident of Durham echoed the previous clarifying questions regarding the funds and asked about engagement in different areas within the community.

Reginald Johnson, Director of Community Development stated that engagement with the South Side area has happened, but that it could be better. He also advised that there was still a project outstanding in that area and there had been challenges.

Ms. Conyers advised that the public comment period for the item was open until June 22, 2020.

Mayor Schewel asked what the sources of funding were.

Mr. Johnson stated that there were federal funds for infrastructure.

Donald Hughes, a resident of Durham, requested that more engagement take place and that the city obtains more feedback from members of the community.

Seeing no additional speakers, Mayor Schewel declared the public hearing closed.

Council Member Freeman asked if the deadline could be extended.

Ms. Conyers advised that the June 22, 2020 deadline was a hard deadline and could not be pushed back, otherwise the city would be at risk for not receiving the grant funds.

MOTION by Council Member Middleton, seconded by Mayor Pro Tempore Johnson, to approve the Draft 2020-2025 Consolidated Plan and 2020-2021 Annual Action Plan for submission to the U.S. Department of Housing and Urban Development, was approved at 12:00 a.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Caballero, to approve the revised draft Citizen Participation Plan, was approved at 12:01 a.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Caballero, to authorize the City Manager to execute all administrative requirements and contractual documents necessary for implementation of the Annual Action Plan to include all Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grants (ESG), and Housing Opportunities for People With Aids (HOPWA) program agreements and related documents, was approved at 12:02 a.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Caballero, to adopt the City of Durham/U.S. Department of Housing and Urban Development CDBG project ordinance in the amount of \$2,144,310.00; was approved at 12:02 a.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

ORDINANCE #15669

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Caballero, to adopt the City of Durham/U.S. Department of Housing and Urban Development HOME Investment Partnership Program grant project ordinance in the amount of \$1,265,206.00, was approved at 12:03 a.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

ORDINANCE #15670

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Caballero, to adopt the City of Durham/U.S. Department of Housing and Urban Development HOPWA grant project ordinance in the amount of \$483,344.00, was approved at 12:03 a.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

ORDINANCE #15671

MOTION by Council Member Middleton, seconded by Mayor Pro Tempore Johnson, to adopt the City of Durham/U.S. Department of Housing and Urban Development ESG project ordinance in the amount of \$174,691.00, was approved at 12:04 a.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

ORDINANCE #15672

MOTION by Council Member Caballero, seconded by Mayor Pro Tempore Johnson, to approve the FY 2020-2021 Draft Funding Chart, was approved at 12:05 a.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

Council Member Freeman asked that Community Development engage more with the South Side area.

[SUPPLEMENTAL ITEMS]

**SUBJECT: RESOLUTION IN SUPPORT OF NATIONAL ACTION ON REPARATIONS
(ITEM 51/ PR # 14030)**

Council Member Freeman introduced the item and thanked council for their support.

MOTION by Council Member Freeman, seconded by Council Member Middleton, to approve the Resolution in Support of National Action on Reparations, was approved at 12:05 a.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

RESOLUTION #10178

SUBJECT: JUNETEENTH RESOLUTION (ITEM 52/ PR #14036)

Council Member Freeman introduced the item and thanked council for their support. She also noted that other communities were also implementing their own Juneteenth Resolutions.

MOTION by Council Member Freeman, seconded by Council Member Reece, to approve the Juneteenth Resolution, was approved at 12:07 a.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

RESOLUTION #10179

[ADJOURNMENT]

Seeing no further business to come before the Council, Mayor Schewel adjourned the meeting at 12:10 a.m.

Ashley Wyatt, CMC
Deputy City Clerk

Diana Schreiber, CMC
City Clerk